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Sponsored by: Chiles, Compton  
Burlison, Rush

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2009 -

GENERAL ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE

1 AMENDING Chapter 2, Administration, Article VI, Finance, Division 4, Policemen's and  
2 Firemen's Pension Plan, Section 2-444(a), Board of Trustees established;  
3 membership; election of members; Section 2-445, Officers of Board of  
4 Trustees; Section 2-454, Legal Advisor of Board of Trustees; and  
5 establishing effective dates for said amendments.  
6  
7  
8  
9

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as  
11 follows:  
12

13 Section 1 - That Chapter 2, Article VI, Division 4, Policemen's and  
14 Firemen's Pension Plan, Section 2-444(a), set out below, is hereby amended as follows:  
15

16 Sec. 2-444(a). Board of trustees established; membership; election of  
17 members.  
18

19 (a) There is hereby created a board to be known as the Board of Trustees of the  
20 Police Officer' and Fire Firefighters' Retirement Fund of the City of Springfield, Missouri.  
21 The board of trustees shall consist of ~~two~~ one participants employed by the police  
22 department, ~~two~~ one participants employed by the fire department, ~~the Director of~~  
23 ~~Finance, the Director of Human Resources, a designee of the City Manager,~~ one former  
24 participant who is currently receiving benefits from the system, and ~~three~~ six citizen  
25 members which shall be recommended by **the city council Public Involvement**  
26 **Committee** ~~the City Manager~~ and approved by the city council. **It is preferred that two**  
27 **of the citizen members be from the professional community in the areas of**

28 | **banking, financial management, or investment management. It is also preferred**  
29 | **that one citizen member be from the professional community in the areas of**  
30 | **accounting, actuarial analysis, or auditing. Council will give special preference to**  
31 | **applicants for Board membership who have training and background in actuarial**  
32 | **analysis. It is also preferred that one citizen member shall be from the medical**  
33 | **profession with the background or training as an RN, BSN, MSN, M.D. or D.O., as**  
34 | **well as a preferred expertise in the field of worker's compensation or disability**  
35 | **determinations. One citizen member shall be from the legal profession and**  
36 | **engaged in the active practice of law. In, addition to the five citizen members who**  
37 | **are from the preferred professional backgrounds listed above, one additional**  
38 | **citizen member designated as a citizen-at-large member shall possess the same**  
39 | **qualifications as a General city council member as set forth in section 2.2 of the**  
40 | **Springfield City Charter.**

41 |  
42 | **(b) In addition to the above members, there shall be ~~two~~ five non-voting**  
43 | **members of the Board, as follows:**

44 |  
45 | **1. One member from City Staff, who shall be designated by the City**  
46 | **Manager; and**

47 | **1.2. One former participant who is currently receiving benefits**  
48 | **from the system who shall have the authority to cast votes at any**  
49 | **meeting in the event the voting former participant is absent from**  
50 | **such meeting; and**

51 |  
52 | **2.3. A City Council member to be appointed by the Mayor as a**  
53 | **liaison between the City Council and the Board, whose duties shall**  
54 | **include the following:**

55 | **i. Act as City Council's liaison to the Board.**

56 | **ii. Attend Board meetings.**

57 | **iii. Submit an annual report to City Council on the activities,**  
58 | **actuarial information, and fund performance of the retirement**  
59 | **system.**

60 | **iv. Provide input to the Board regarding Council priorities/policies**  
61 | **related to retirement system issues.**

62 | **v. Attend related training, seminars and conferences to stay**  
63 | **abreast of retirement system issues.**

64 | **vi. Coordinate legislation and/or retirement system changes with**  
65 | **the appropriate Council committee.**

66 | **vii. Such other duties as assigned by the City Council.**

67 | **vii.viii. When requested by the Pension Board or City Council,**  
68 | **coordinate meetings between the Board and Council.**

70 to be chosen from the professional community in the areas of law, accounting,  
71 financial management, investment management or actuarial analysis. The mayor shall  
72 also be authorized to appoint a city council member to act as a liaison between the  
73 board of trustees and the council, who shall have no vote on the board of trustees, but  
74 whose duties shall include the following:

- 75 (1) — Acts as city council's liaison to the board.  
76 (2) — Attend board meetings as desired or requested.  
77 (3) — Submit an annual report to city council on the activities, actuarial information, and  
78 fund performance of the retirement system.  
79 (4) — Provide input to the board regarding council priorities/policies related to  
80 retirement system issues.  
81 (5) — Attend related training, seminars and conferences to stay abreast of retirement  
82 system issues, as desired or requested.  
83 (6) — Coordinate legislation and/or retirement system changes with appropriate council  
84 committee.  
85 (7) — Such other duties as assigned by the city council.

86  
87 (b) There shall also be one member who is a participant employed by the Springfield  
88 Police Department and one member who is a participant employed by the Springfield  
89 Fire Department-. The two members shall be non-voting members in all matters except  
90 in the absence of the by voting member of the Police or Fire departments in which case  
91 the non-voting member of that department may cast votes on matters brought to vote by  
92 the Pension Board- at the meeting where the voting Police or Fire members are absent.

93  
94 (c) For all elections occurring on or after December 2010, the voting and non-  
95 voting board members of the police and fire departments, respectively, shall be  
96 elected by the employees thereof, such election to be held within the respective  
97 departments for five consecutive days, beginning on the first Monday in  
98 December of each year, for terms of two three years. Said elections shall be  
99 staggered such that one fire and one police participant shall be elected each  
100 year, with the board to determine the process by which the initial stagger of the  
101 election terms occurs. Such election shall be held by secret ballot.

- 102 1. Beginning February 1, 2010, the Pension Board members elected to their  
103 first terms by the Police and Fire Departments in December 2009 shall  
104 become non-voting members of the Pension Board for the remainder of  
105 their two year terms.  
106 2. The current term of the Police voting member, set to end on Deember 31,  
107 2010 will be extended for one additional year, with the term to now expire  
108 in December 2011.  
109 3. The non-voting Police and Fire employee Pension Board members are  
'10 eligible to run as a voting member even though the non-voting member's

term has not expired. In the event the non-voting member is elected to the voting member position, the Pension Board shall solicit from the affected department applications for the vacant non-voting position. The Board shall then interview all applicants and then appoint an applicant to fill the unexpired term of the non-voting member.

- The board shall determine the procedure for nomination of candidates, for distributing or otherwise making ballots available to participants in the police and fire departments, for the casting of the ballots, and for the collection of such ballots after voting. The ballot boxes and ballots shall be placed at locations and in sufficient number as will accommodate the participants in each department and their respective working schedules as determined by the board, but shall include at least one ballot box at each of the following locations: 4 the police headquarters building and the south-side combined police and fire station, in their respective main lobby areas. The ~~members~~, who ~~is a~~ are former participants, shall be elected for a ~~two~~ three -year term by a vote of all former participants and surviving spouses of deceased former participants who are receiving benefits from the system in accordance with the provisions set forth in this section, provided that no such beneficiary shall be entitled to more than one vote, and further provided that the board shall establish procedures for absentee or mail-in ballots for former participants and surviving spouses.

For the initial term of the non-voting former participant, the Pension Board of Trustees shall solicit applications from former participants and after conducting interviews of the applicants, select a person for a term to expire at the same time as the term for the voting former participant. After the expiration of this initial term for the non-voting former participant and continuing thereafter, in the election of former participants who seek election to the Pension Board, the former participant receiving the greatest number of votes shall be the voting member and the former participant receiving the second greatest number of votes shall be the non-voting member. The terms of the voting and non-voting former participants shall be three years.

(e\_d) Except as otherwise stated in this ordinance, the qualifications, terms, restrictions, ~~appointment, and confirmation~~ and removal of the ~~three~~ **six** citizen members of the board appointed by the **city council Public Involvement Committee** ~~City Manager~~ and confirmed by the City Council shall be the same as described in Article XV of the City Charter generally for members of administrative boards established under said article, except that, such citizen members, **other than the citizen-at-large member**, shall not be required to be residents and qualified voters of the city either prior to or at the time of their appointment, or during their membership on the board. If a citizen member is not a resident of the city at the time of his appointment, the location of his

professional business office or his employer shall be within the city at the time of his appointment. The ~~City Council~~ **Public Involvement Committee** City Manager will notify the chairman ~~President~~ of the Board of Trustees in writing of the names of persons ~~he~~ **they** intend to appoint to the Board not less than ten days prior to a regularly scheduled meeting of the Board, and said regular meeting of the Board shall be prior to the date of the submission of the appointment to the City Council. The City Council Public Involvement Committee may also appoint or reappoint ~~The city council City Manager may also appoint or reappoint~~ one or more of these Board members' for terms of **less than three years, so that the expiration of the appointed Board members' terms are staggered such that no more than one two** appointed Board member's term expires in any given year, ~~provided that any appointed member appointed or reappointed to a shortened term for this purpose shall be eligible for reappointment to serve two full terms.~~ An appointed member may also be subject to removal by the City Council Public Involvement Committee ~~city council City Manager, in his sole discretion,~~ if the member fails to attend three consecutive or more regularly scheduled monthly board meetings in a 12-month period during the member's term, or if the member fails to attend 5 meetings in a 12-month period during the member's term.

(d e) Elected Board members shall serve until their successors are elected and qualified. **Appointed members shall also serve until their successors their successors are duly appointed and confirmed.** If an elected Board member fails to serve a full term, a special election to fill the vacancy shall be called after at least 15 days notice, on the first Monday of the next succeeding month thereafter. Voting shall be according to the same procedures applicable to regularly called board meetings **Elections.**

(e) ~~Notwithstanding~~ anything herein to the contrary, no special election shall be called if, after notice, the first Monday of the next succeeding month would fall in the month of November.

(f) In the event the Board determines by an affirmative vote of five or more of its members that any elected member has an actual or apparent conflict of interest such that the said member cannot reasonably perform his duties in an appropriate manner, and said member fails or refuses to take such action to **purge himself of the conflict** ~~after such finding,~~ the Board may act by an affirmative vote of five or more of its members to remove said member as a member of the Board, and the seat shall be declared vacant and a new election for the seat shall be held. In such event, the unseated member may submit an appeal of the removal within ten days to the secretary of the Board, who shall arrange for a hearing examiner to review and determine the issue of the conflict of interest and the appropriateness of the Board's removal action. The hearing examiner shall conduct the hearing pursuant to the procedures set out in Section 2-449(c) and shall review the facts and the action taken in light of the applicable

Section 2 - That Chapter 2, Article VI, Division 4, Policemen's and Firemen's Pension Plan, Section 2-445, set out below, is hereby amended as follows:

Sec. 2-445. Officers of board of trustees.

(a) The President of the Board of Trustees shall be a ~~designee of the City Manager~~ **elected by a majority vote of the voting members of the Board of Trustees to a term of one year. No person may serve more than 2 consecutive terms as President.** The Board of Trustees shall, by a majority vote of its members, elect a Secretary, who may, but need not, be one of its members. The Director of Finance shall be Treasurer of the Board.

(b) The Board of Trustees may also hire a ~~full- or part-time~~ **director to handle the daily duties associated with administering the Fund and related obligations, as may be determined by the Board. This position, if hired, shall be completely funded from the Fund.**

NOTE: **Bolded** language has been added, and ~~stricken~~ language has been deleted.

Section 3 - That Chapter 2, Article VI, Division 4, Policemen's and Firemen's Pension Plan, Section 2-454, set out below, is hereby amended as follows:

Sec. 2-454. Legal advisor of board of trustees.

The city attorney or assistant city attorney shall act as legal advisor of the board. **Alternatively, in the event the Board determines that there is the potential of an actual or apparent conflict of interest in being represented by the City Attorney on a particular matter, the Board shall set forth in the minutes the basis for its determination for the potential conflict and the the Board may retain independent legal counsel to provide legal advice and representation to the Board and its staff for such matter. All fees, costs and expenses of the independent legal counsel shall be paid solely from the Fund.**

~~In the event of a legal conflict, or for other reasons as may be jointly determined appropriate by the board and the city attorney, the city attorney, with the advice and recommendation of the board, may also retain special or additional counsel to advise or represent the board's interests.~~

NOTE: **Bolded** language has been added, and ~~stricken~~ language has been deleted.

Section 4 – (a) The City Council finds and declares that this ordinance constitutes an emergency because it pertains to the immediate preservation of public property. Therefore, except where an effective date is otherwise designated in this ordinance or in subsection (b) below, this ordinance shall be in full force and effect from and after passage.

constitutes an emergency because it pertains to the immediate preservation of public property. Therefore, except where an effective date is otherwise designated in this ordinance or in subsection (b) below, this ordinance shall be in full force and effect from and after passage.

(b) (1) The terms of the additional voting citizen Board positions created by this ordinance shall commence on and after ~~January~~ February 1, 2010.

(2) The termination of the current City staff member Board positions, and the appointment of the City staff member position created by this ordinance, shall be effective on and after ~~January~~ February 1, 2010.

~~(3) The change in voting status of the Board member who is a former participant and receiving benefits from the system, shall be effective on and after January 1, 2010.~~

~~(4) The police and fire department employee Board member positions with terms ending in December 2009, shall terminate as of December 31, 2009. The remaining police and fire department employee Board positions shall continue to be elected as described in the ordinance.~~

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: \_\_\_\_\_, City Attorney

Approved for Council action: \_\_\_\_\_, City Manager

N:\SHARE\JULIETA\ DAN WICHMER\ POLICE FIRE PENSION PLAN ORD SEC. 2-444.N\SHARE\CBILLS 2010\1-11-10\pension board composition draft 12-22-09